

GAHC010149702024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2978/2024

ON THE DEATH OF BHANU DEY, HIS LEGAL HEIRS
NAMELY

1.1: MS. SANDHYA DEY
W/O LATE BHANU DEY
R/O J.P.R. RAILWAY COLONY
P.O. AND P.S.-JORHAT-785001

1.2: BISHNU DEY
S/O LATE BHANU DEY
R/O J.P.R. RAILWAY COLONY
P.O. AND P.S.-JORHAT-785001

1.3: MS. MONI DEY
W/O SRI KHOKAN DEY
R/O MARIANI KENNEDY PARK
MARIANI
JORHA

VERSUS

ARABINDA ROY (SINCE DECEASED)
S/O LT. AMULYA BHUSAN ROY, R/O J.P.R. RAILWAY COLONY, P.O. AND P.S.-
JORHAT-785001

Advocate for the Petitioner : DR. R SARMAH, MS P SAHA

Advocate for the Respondent : ,

In

RSA Case No. 291927/2017(Filing Number)

WITH

Case : I.A.(Civil)/3456/2017

BHANU DEY
S/O LATE ANANTA DEY
R/O J.P.R. RAILWAY COLONY
P.S. and DIST. JORHAT

VERSUS

ARABINDA ROY
S/O LATE AMULYA BHUSAN ROY
R/O J.P.R. RAILWAY COLONY
P.S. and DIST. JORHAT.

Advocate for : MR.B K BHATTACHARJEE
Advocate for : MR. A K SAHEWALLA AS AMICUS CURIAE appearing for
ARABINDA ROY

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

27.09.2024

1. Heard Dr. R. Sarmah, learned counsel for the applicant.
2. This application under Order XXII Rule 9 of the Code of Civil Procedure has been filed by the applicant for setting aside abatement of the connected I.A. (Civil) No. 3456/2017 in RSA Case

No. 291927/2017 (Filing Number) on death of Bhanu Dey.

3. The application is filed within the period of limitation.

4. I have heard the learned counsel for the applicant and have perused the grounds mentioned in the application.

5. Considering the submissions made by the applicant as well as the grounds mentioned in the application, this Court is of considered opinion that the applicant was prevented from sufficient cause from continuing the Interlocutory Application after the death of the predecessor-in-interest of the present applicant and therefore, the abatement of I.A. No. 3456/2017 is hereby set aside and same is again restored.

6. This Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant